

Appl. No. 09/575,277
Amdt. dated October 10, 2003
Reply to Office Communication of 10 September 2003

Remarks/Arguments

The applicant would like to thank the Examiner for clarifying the election of species requirement in the telephone conference of 9 October 2003, between the Examiner and the undersigned. During that conversation, the Examiner advised the applicant to select one 5HT₁ agonist and one non-narcotic analgesic to satisfy the election requirement. In light of that conversation and in response to the Notice of Incomplete Response of 10 September 2003, applicant hereby provisionally elects the species of Invention Group IV directed to the use of naratriptan as the 5HT₁ agonist and COX-2 inhibitors as the non-narcotic analgesic. Claims 27, 32, 43, and 44 are directed to naratriptan. Claims 30, 35, 39, and 40 are directed to COX-2 inhibitors.

The applicant respectfully submits that claims 19-25 are generic claims in accordance with the Manual of Patent Examining Procedure § 806.04(d). "In general, a generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species. For the purpose of obtaining claims to more than one species in the same case, the generic claim cannot include limitations not present in each of the added species claims. Otherwise stated, the claims to the species which can be included in a case in addition to a single species must contain all the limitations of the generic claim." The remaining claims in Invention Group IV are species claims. Claims 19-25 do not include any additional limitations not found in any of the species claims. Therefore, the applicant respectfully submits that upon the allowance of any one of generic claims 19-25, species claims 17, 18 and 26-54 should be allowed.

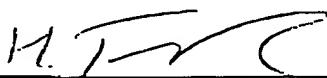
714 480 1500

Appl. No. 09/575,277
Amdt. dated October 10, 2003
Reply to Office Communication of 10 September 2003

In view of the above, it is respectfully believed that all of the presently submitted claims are allowable and a Formal Notice of Allowance is courteously solicited.

Respectfully submitted,
Husch & Eppenberger, LLC

By:

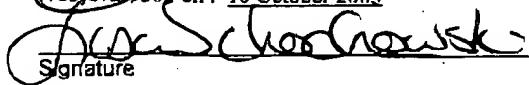


H. Frederick Rusche
Attorney for Applicants
Reg. No. : 45,061
Husch & Eppenberger, LLC
401 Main Street, Suite 1400
Peoria, Illinois 61602-1241
Telephone: (309) 637-4900
Fax: (309) 637-4928

*M/FW
10/10/03*

Certificate of Transmission via Facsimile

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. 703-872-9307 on 10 October 2003)



Lisa A. Schodrowski
Printed Name

RECEIVED
CENTRAL FAX CENTER

OCT 10 2003

OFFICIAL